

BEFORE THE  
WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D. C.

ORDER NO. 320

Served October 22, 1963

IN THE MATTER OF:

The Application of Landers Tram )  
Service, Inc., Washington, D. C., )  
for a Certificate of Public )  
Convenience and Necessity. )

Application No. 251

Docket No. 40

APPEARANCES:

FREDERICK A. BABSON, JR., Attorney at Law, on  
behalf of Applicant.

L. C. MAJOR, JR., Attorney at Law, on behalf of  
Zoo Tours, Inc., Protestant.

S. HARRISON KAHN, Attorney at Law, on behalf of  
The Gray Line, Inc., and Diamond Tours, Inc.,  
Protestants.

MANUEL J. DAVIS, Attorney at Law, on behalf of  
Washington, Virginia and Maryland Coach Company,  
Inc., Protestant.

C. ROBERT SARVER, Attorney at Law, on behalf of  
D. C. Transit System, Inc., Protestant.

By application filed June 3, 1963, Landers Tram Service,  
Inc., Washington, D. C. ("applicant"), seeks a certificate of  
public convenience and necessity pursuant to Section 4(a), Article  
XII, Title II, of the Washington Metropolitan Area Transit Regulation

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Compact ("Compact"), authorizing applicant to provide a sightseeing service by motor vehicle, to be operated on a fixed schedule and over regular routes in Washington, D. C., serving the Washington Monument, the National Gallery of Art, the Jefferson Memorial, the Lincoln Memorial, the White House, the Bureau of Engraving and the Smithsonian Institute. Applicant proposes to charge a fare of \$1.50 for adults and \$1.00 for children. The equipment to be used in the proposed service consists of a tractor on wheels which draws one or more small trailer cars, resembling a miniature train on rubber wheels.

The application was protested by Zoo Tours, Inc., The Gray Line, Inc., Diamond Tours, Inc., Washington, Virginia and Maryland Coach Company, and D. C. Transit System, Inc. All of the protestants except Zoo Tours, Inc., are authorized to engage in sightseeing operations by motor vehicle and are authorized to serve the points proposed to be served by applicant. For the record, the parties stipulated that the Commission may take judicial notice of the authority of the existing carriers.

Pursuant to public notice duly given, a hearing on the application was held on August 13, 1963. Applicant adduced oral evidence from its President and principal stockholder, Mr. Walter I. Landers, and one public witness, who is engaged in public relations work. The applicant also introduced four exhibits in

support of its application. The protestants did not present any evidence, their participation being limited to cross examination.

In general, the service proposed by this application is very similar to the service proposed in an application by Zoo Tours, Inc., which has this date been denied.

Applicant was granted temporary authority by the Commission on May 1, 1963, authorizing applicant to engage in a similar service for which it now seeks permanent authority. Relying upon discussions with the District of Columbia Public Utilities Commission and the Department of Interior, applicant had actually commenced operations before requesting temporary authority from this Commission. The applicant having made considerable investment in equipment, licenses and insurance, and having shown to the satisfaction of the Commission that it had commenced operations in good faith, the Commission granted temporary authority to permit applicant to continue operations pending disposition of its application for permanent authority.

The applicant classifies its proposed service as a service for the "foot-sore and leg-weary people". The President of applicant testified that he got the idea for the proposed transportation as a result of a visit to the Seattle World's Fair.

The applicant proposes, at the outset, to operate an hourly scheduled service from 9:30 in the morning until approximately 4:30 in the afternoon during the normal sightseeing season in the Washington area. Applicant states that it is willing to operate additional schedules if a need arises. Applicant contends that in using its proposed service members of the public will be able to spend an unlimited amount of time visiting the various attractions, whereas under the scheduled tours conducted by the other carriers the public must travel according to a fixed schedule.

In support of its application, applicant relied heavily upon the results of its present operations being conducted pursuant to temporary authority. For the three and one-half months during which time applicant has been in operation, a total of 490 trips were made and during this time 1,336 children and 4,093 adults were transported, which produced a total gross revenue in the amount of only \$5,975.00. While the applicant contends that its operations have been profitable, the President of applicant admitted that his operating expense figures did not include allowances for depreciation or a salary for himself. The public witness, appearing on behalf of applicant, testified that in her opinion there is a need for the proposed service, and that there is no similar service being offered by the existing carriers.

### FINDINGS OF FACT

On this record, which includes the testimony of only one public witness, the Commission cannot conclude that a need for the proposed service has been shown to exist. The Commission finds that the service being rendered by the existing carriers is adequate to meet the needs of the public. In view of this finding, it is unnecessary to make finding in connection with other issues.

### CONCLUSIONS OF LAW

The Commission concludes as a matter of law that the transportation proposed by applicant is not required, and will not be required in the immediate future, by public convenience and necessity.

### ORDER

THEREFORE, IT IS ORDERED that the application of Landers Tram Service, Inc., for a certificate of public convenience and necessity to provide a sightseeing service, more fully described in this Order, be, and the same is, hereby denied.

BY DIRECTION OF THE COMMISSION:

A handwritten signature in dark ink, appearing to read "Delmer Ison", is written over the typed name.

DELMER ISON  
Executive Director